

**IN IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JORDAN L. HANKS,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 3:22-cv-01588
)	
ILLINOIS CENTRAL RAILROAD)	
COMPANY,)	JURY TRIAL DEMANDED
)	
Serve: Illinois Corporation Service)	
801 Adlai Stevenson Drive)	
Springfield, IL 62703)	
)	
Defendant.)	

COMPLAINT

COUNT I

COMES NOW the Plaintiff, JORDAN L. HANKS, by and through his attorneys, Kujawski & Associates, LLC, and for his Complaint against Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, states as follows:

1. That the jurisdiction of this Court is based upon an Act of Congress of the United States, being the Federal Employers' Liability Act, 45 U.S.C.A. Sections 51 et seq., as hereinafter more fully shown.

2. That at all times mentioned herein, Defendant, ILLINOIS CENTRAL RAILROAD COMPANY (*hereinafter referred to as "the Defendant Railroad"*), was and is controlled, operated, and maintained in interstate commerce, engaged in transporting interstate commerce between various states by rail including the states of Illinois and Kentucky.

3. That on or about June 1, 2020, or on a date known more certainly to the Defendant Railroad, and at all times mentioned herein, Plaintiff, JORDAN L. HANKS (*hereinafter referred to as "Plaintiff"*), was employed as a Conductor for the Defendant Railroad and was such in the performance of his duties at in Fulton, Kentucky.

4. That at all times mentioned herein, all or part of the duties of Plaintiff as such an employee furthered interstate commerce conducted by the Defendant Railroad or in some way directly or substantially affected said commerce.

5. That on or about June 1, 2020, or on a date known more certainly to the Defendant Railroad, Plaintiff was injured while attempting to engage the North Buda dual control switch while working in Fulton, Kentucky during his approach to Defendant Railroad's Fulton Yard aboard Defendant Railroad's train A432.

6. That at said time and place, Defendant Railroad, by and through its agents, servants, and employees, negligently and carelessly committed one or more of the following negligent acts or omissions, to wit:

- (a) Failed to provide the Plaintiff with a reasonably safe place in which to work;
- (b) Failed to provide the Plaintiff a properly functioning switch with which to do his assigned task;
- (c) Failed to inspect the switch which Plaintiff was required to use;
- (d) Failed to repair and replace the switch;
- (e) Failed to warn the Plaintiff of the defective switch he was assigned to use;
- (f) Violated 49 C.F.R. Section 213.235(a) and (b) and 49 C.F.R. Section 236.103 in failing to inspect and test the switch Plaintiff was assigned to use;

- (g) Violated its internal rules, regulations, standards, and specifications when after giving authority to Plaintiff to engage the North Buda dual control switch, the Radio Traffic Controller, based in Homewood, Illinois (Cook County) then attempted to engage the switch, causing the switch to malfunction and injure Plaintiff; and
- (h) Allowed unsafe practices to become the common practice.

7. That as a result, in whole or in part, of one or more of the above and foregoing acts or omissions on the part of the Defendant, Plaintiff, while in the performance of his duties as a Conductor, and in connection with and in the scope and course of his employment, was caused to become severely injured when he attempted to engage a defective dual control switch, causing Plaintiff to sustain severe and permanent injuries to wit: injuries to the muscles, tendons, ligaments, nerves, soft tissues, vertebrae, joints, and discs of the spine, right shoulder, and right bicep; that Plaintiff has sustained pain and suffering in the past, and is reasonably certain to experience pain and suffering in the future as a result of said injuries; that Plaintiff has incurred permanent disfigurement and disability resulting from said injuries; that Plaintiff has lost and will continue to lose large sums of money from his usual occupation; that Plaintiff has sustained a permanent impairment of his earning capacity; that Plaintiff has become obligated in the past for medical expenses resulting from his injuries and will be obligated in the future to expend large sums of money for necessary medical care, treatment and services; all to Plaintiff's damages.

WHEREFORE, the Plaintiff, JORDAN L. HANKS, prays judgment against the Defendant, ILLINOIS CENTRAL RAILROAD COMPANY in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) adequate to fairly and reasonably

compensate him for damages sustained herein plus costs of this suit, plus pre-judgment interest, and all other relief deemed appropriate by this Court.

PLAINTIFF DEMANDS TRIAL BY JURY

COUNT II

1-5. Plaintiff incorporates by reference paragraphs 1-5 of Count I.

6. That at said time and place, Defendant Railroad, by and through its agents, servants and employees, committed one or more of the following negligent per se acts or omissions, to wit:

(a) Violated 49 C.F.R. Section 213.235(a) and (b) and 49 C.F.R. Section 236.103 in failing to inspect the switch Plaintiff was assigned to use.

7. That as a result, in whole or in part, of one or more of the above and foregoing acts or omissions on the part of the Defendant, Plaintiff, while in the performance of his duties as a Conductor, and in connection with and in the scope and course of his employment, was caused to become severely injured when he attempted to engage a defective dual control switch, causing Plaintiff to sustain severe and permanent injuries to wit: injuries to the muscles, tendons, ligaments, nerves, soft tissues, vertebrae, joints, and discs of the spine, right shoulder, and right bicep; that Plaintiff has sustained pain and suffering in the past, and is reasonably certain to experience pain and suffering in the future as a result of said injuries; that Plaintiff has incurred permanent disfigurement and disability resulting from said injuries; that Plaintiff has lost and will continue to lose large sums of money from his usual occupation; that Plaintiff has sustained a permanent impairment of his earning capacity; that Plaintiff has become obligated in the past for medical expenses resulting from his injuries and will be obligated in the future to expend

large sums of money for necessary medical care, treatment and services; all to Plaintiff's damages.

WHEREFORE, the Plaintiff, JORDAN L. HANKS, prays judgment against the Defendant, ILLINOIS CENTRAL RAILROAD COMPANY in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) adequate to fairly and reasonably compensate him for damages sustained herein plus costs of this suit, plus pre-judgment interest, and all other relief deemed appropriate by this Court.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,

KUJAWSKI & ASSOCIATES, LLC

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